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6

7 UNITED STATES DISTRICT COURT
8 DISTRICT OF NEVADA

9 NEVADA ASSOCIATION SERVICES, INC.,
10 a Nevada corporation,

11 Plaintiff,

12 v.

13 RODNEY J. YANKE, an individual; CITY
14 OF LAS VEGAS, a public entity in the State
15 of Nevada; WASHINGTON MUTUAL
16 BANK, FA, a business entity form and state of
17 registration unknown, CALIFORNIA
18 RECONVEYANCE COMPANY, a foreign
19 corporation doing business in Nevada;
20 REPUBLIC SERVICES, INC., a foreign
21 corporation doing business in Nevada;
22 KATHY CLAY YANKE, an individual;
23 REAL EQUITY PURSUIT, LLC, a limited
24 liability company whose state of registration is
25 unknown but doing business in Nevada; THE
26 ESTATES AT SEVEN HILLS OWNERS
27 ASSOCIATION, a Nevada non-profit
28 corporation; UNITED STATES OF
AMERICA (INTERNAL REVENUE
SERVICE), a public entity; and DOES 1-25,
inclusive,

Defendants.

Case No.: 2:13-cv-01386-RCJ-CWH

OPPOSITION BY PLAINTIFF NEVADA
ASSOCIATION SERVICES, INC. TO
MOTION BY REPUBLIC SERVICES, INC.
TO DISTRIBUTE FUNDS

OPPOSITION BY PLAINTIFF NEVADA ASSOCIATION SERVICES, INC. TO MOTION
BY REPUBLIC SERVICES, INC. TO DISTRIBUTE FUNDS

Plaintiff Nevada Association Services, Inc. ("NAS") hereby opposes the motion by defendant Republic Services, Inc. ("Republic") to distribute funds at this time in this interpleader case. The reasons are as follows:

- 1) On January 10, 2014, this court denied the motion of Lindsay L. Clayton, employed by the Justice Department in Washington, D.C. and not a member of the Nevada bar, to appear in this case, citing Local Rule 1A 10-3 and holding that, before this court will allow such an appearance, there must be a showing "that the Nevada admitted Assistant United States Attorneys in our judicial district are incapable of handling this matter." See Document 56 in this case, filed January 10, 2014. This Order was filed the day after the motion by defendant Republic Services, Inc. was served. As far as the undersigned knows, counsel for the United States is still trying to sort out who will represent it in this case and may not have been timely able to respond to the instant motion.
- 2) NAS filed a motion with this court on December 9, 2013 (Document 51) for a court order transferring the interpled funds in this case (in the amount of \$40,942.85) from the Clerk of the State of Nevada Eighth Judicial District to this court. Said funds were deposited with the Clerk of the State of Nevada Eighth Judicial District when this case was initially filed in said state court, prior to the time it was removed to this court by defendant United States. To the knowledge of the undersigned, this court has not yet acted on said motion, so that is another unresolved matter pending before this court.

1 3) Plaintiff NAS has requested in its Complaint and intends to file a motion to be paid its
2 attorneys fees and litigation expenses for bringing, filing and handling this case out of
3 the interpled funds, but its work in this case is not yet done, given the open issues
4 involving who will represent defendant United States and the pending motion to
5 transfer the interpled funds to this court. Since NAS has responsibility for handling
6 that motion and to insure that certain issues associated with this interpleader have
7 been taken care of and resolved before it makes its own motion for attorneys fees and
8 litigation costs (so that all of its work may be considered by the court in ruling on
9 such a motion) and to withdraw from this case, it is presently premature to hear any
10 motion to distribute funds, as it is premature for NAS to make its motion for attorneys
11 fees and litigation costs and to withdraw from this case.
12
13

14 4) The Certificate of Service on the Motion to Distribute Funds by defendant Republic
15 Services, Inc. does not show any service on defendant Rodney Yanke, an individual,
16 who has appeared in this case.
17

18 Dated: January 26, 2014

LAW OFFICES OF RICHARD VILKIN, P.C.

19
20 By: 

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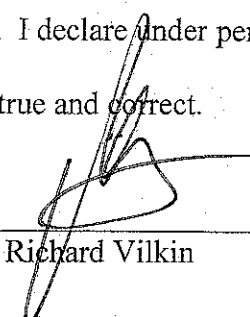
Certificate of Mailing and Service

I hereby certify that on January 26, 2014, I put a copy of the foregoing OPPOSITION BY PLAINTIFF NEVADA ASSOCIATION SERVICES, INC. TO MOTION BY REPUBLIC SERVICES, INC. TO DISTRIBUTE FUNDS in a sealed envelope, postage prepaid, and deposited said envelope in the U.S. Mail, addressed as follows:

Rodney J. Yanke
2570 South Sycamore Circle
Washington, UT 84780

All other appearing parties, including defendants Republic Services, Inc. and the United States, were served with the foregoing Opposition by the court's electronic filing system.

Executed this 26th day of January, 2014 at Henderson, NV. I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct.


Richard Vilkin